

Commission members who volunteered for the workgroup included the Commission chair, two superior court judges (from rural counties), a defense attorney and a victim advocate representative. Additionally, one of the petitioners, a victim rights' attorney, and the Criminal Presiding Judge from Maricopa Superior Court joined the workgroup meetings.

The Commission was not able to meet to approve any comments before the deadline for further comments on this petition. As a result, this comment is submitted by the Chair, who also served on the workgroup created by the Commission referred to above. The workgroup held telephonic meetings on two occasions between June 1st and June 8th. Over the course of the two meetings, the workgroup continued to discuss the proposal's merits and how this proposal will impact all counties throughout the state.

Despite support of the concept, the majority of the Commission members participating on this workgroup believed the current proposal will not accomplish the goal of moving cases forward in a timely manner and may cause further delay at the victim's expense. Furthermore, it was acknowledged by some members of the workgroup that since most crime victims do not have an attorney, the interest of the state and defense, and not the victim, may be the priority when deciding to continue proceedings for the full five days.

In the alternative, it was suggested that incorporating the language of A.R.S. §13-4409 into the Criminal Rules might alleviate the victims' concerns raised by the requested rule change. In any event, educating the judicial community and the Bar regarding the appropriate use of Rule 39(b) of the Rules of Criminal Procedure, in conjunction with A.R.S. § 13-4409, would likely resolve the underlying concern raised by this proposal from a victims' rights perspective.

RESPECTFULLY SUBMITTED this _____ day of June, 2009.

By _____
Hon. Ron Reinstein, Ret.,
On behalf of members of Rule 10.5 Workgroup
Commission on Victims in the Courts
1501 W. Washington, Phoenix, AZ 85007
602-452-3138

Original and copies of the foregoing
Hand-delivered on the date of signing to:
CLERK'S OFFICE
ARIZONA SUPREME COURT
1501 W. Washington
Phoenix, AZ 85007-3231

Original and copies of the foregoing
Mailed on the date of signing to:

Andrew P. Thomas
Maricopa County Attorney

Philip J. MacDonnell
Chief Deputy

Jeffrey Trudigan
Deputy County Attorney
Rebecca Baker
Deputy County Attorney
301 W. Jefferson St, Suite 800
Phoenix, AZ 85003

Steve Twist
President, Arizona Voice for Crime Victims
P.O. Box 12722
Scottsdale, AZ 85267